

Message Text

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70

ACTION PM-07

INFO OCT-01 EUR-25 ADP-00 L-03 CIAE-00 INR-10 NSAE-00

RSC-01 OC-06 CCO-00 EB-11 USPS-02 OMB-01 COME-00

NEA-10 PA-03 PRS-01 USIA-15 TRSE-00 MBFR-03 SAJ-01

RSR-01 /101 W

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R 301700Z JUL 73

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 8287

SECDEF WASHDC

INFO AMEMBASSY BONN

AMEMBASSY THE HAGUE

USMISSION NATO BRUSSELS

USMISSION EC BRUSSELS UNN

USNMR SHAPE

USDEL MC

USCINCEUR

CINCUSAFE

CINCUSAREUR

CINCUSNAVEUR

JCS

USAFPCS DIST BRUSSELS BELGIUM

USAFPCS EUR ME RGN, RHEIN MAIN AB GERMANY//DO

NATO/SHAPE SUPPORT GROUP BELGIUM

USAFPCS ALEX VA//DO

C O N F I D E N T I A L BRUSSELS 4368

E.O.11652: GDS

TAGS: MILI, MARR, BE

SUBJECT: BELGIAN CUSTOMS AND THE APO

REF: STATE 147617

1. SUMMARY: INITIAL EMBASSY CONTACTS WITH BELGIAN OFFICIALS

INDICATE POSSIBILITY OF FINDING A SOLUTION TO THE APO CUSTOMS PROBLEM

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THAT WOULD EXCLUDE THE ACTUAL COLLECTION OF DUTIES. SENSE OF VERY

USEFUL MEETING OF INTERESTED US AGENCIES JULY 27 WAS THAT EMBASSY SHOULD PURSUE ITS EXPLORATIONS OF BELGIAN INTENTIONS. END SUMMARY.

2. INFORMAL EMBASSY CONTACTS IN THE GENERAL STAFF AND MINISTRY OF FINANCE INDICATE THAT BELGIAN CUSTOMS DIRECTIVE ORIGINATED WITH THE CUSTOMS AND EXCISE ADMINISTRATION AND NOT ELSEWHERE IN THE GOVERNMENT. ON JULY 26, ECONOMIC COUNSELOR AND EMBOFF CALLED ON WATERINCKX IN THE CABINET OF THE MINISTER OF FINANCE IN AN ATTEMPT TO LEARN WHAT SPECIFIC BELGIAN CONCERNS HAD GENERATED THE ISSUANCE OF THE DIRECTIVE. EMBOFFS OUTLINED FOR WATERINCKX THE POLITICAL, PRACTICAL AND LEGAL PROBLEMS THAT WE FORESEE IN IMPLEMENTATION OF THE DIRECTIVE. WE JUDGE FROM WATERINCKX'S EXPLANATION THE PRIMARY MOTIVE FOR ISSUING THE DIRECTIVE WAS NOT A DESIRE TO COLLECT DUTIES BUT RATHER A STRONG DESIRE TO GIVE SUBSTANCE TO WHAT THE BELGIANS CONCEIVE OF AS THEIR LEGITIMATE RIGHT TO EXERCISE CONTROL OVER INCOMING AND OUTGOING APO PARCELS.

3. WATERINCKX READ FROM A PAPER THAT HE LATER GAVE TO EMBOFFS. THE PAPER, WHICH HE EXPLAINED HAD NO OFFICIAL STATUS, NOTES THAT PACKAGES SENT TO BRITISH AND CANADIAN FORCES HAVE ALWAYS GONE THROUGH CUSTOMS CONTROL, WHEREAS THE AMERICAN FORCES, "CONFUSING THEIR STATUS IN BELGIUM AND THEIR STATUS IN GERMANY", UNLOAD THEIR PACKAGES WITHOUT PRESENTING THEM TO CUSTOMS AND SENDING THEM DIRECTLY TO THEIR RESPECTIVE ADDRESSES. THE DIRECTIVE WAS ISSUED THEREFORE IN THE INTERESTS OF EQUALIZING TREATMENT ACCORDED TO ALL FOREIGN ARMED FORCES STATIONED IN BELGIUM, AND THE ACTION WAS BASED ON ARTICLE XI PARA 7 OF THE NATO SOFA AND ARTICLE XIV PARA 2 OF THE SHAPE/BELGIUM AGREEMENT. THE PAPER GOES ON TO STATE THAT PARCELS VALUED AT LESS THAN 1250 BELGIAN FRANCS WILL BE EXEMPT FROM DUTIES, WHEREAS PREVIOUSLY IT HAS BEEN 600 BELGIAN FRANCS. WATERINCKX SAID THAT HE ANTICIPATED A FURTHER INCREASE TO 2500-3000 BELGIAN FRANCS WITH RESPECT TO IMPORTS AMONG EC COUNTRIES AND THAT THE NEW FIGURES WOULD APPLY TO US APO MAIL AS WELL. (WE HAVE LEARNED THAT BRITISH HAVE NEVER ACTUALLY BEEN ASSESSED CUSTOMS DUTIES.)

4. WHILE WATERINCKX DID NOT GO SO FAR AS TO PREDICT THAT DUTIES
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IN FACT WOULD NEVER BE COLLECTED, HE DID SAY THAT HE THOUGHT THAT WE WOULD BE ABLE TO WORK THINGS OUT WITH THE APPROPRIATE OFFICIALS. HE SUGGESTED THAT EMBOFFS CALL ON THE DIRECTOR GENERAL FOR CUSTOMS, TO WHOM HE WOULD SEND A NOTE RELATING HIS CONVERSATION. HE SEEMED CONFIDENT THAT PROCEDURES ACCEPTABLE TO THE US AND BELGIUM COULD BE FORMULATED AND ADDED JOCULARLY THAT, WHEN HE HAD BEEN A CUSTOMS INSPECTOR, HE HAD OFTEN "LOOKED THE OTHER WAY".

5. ON JULY 25 EMBOFF DISCUSSED MATTER WITH OFFICER IN THE ALLIED RELATIONS SECTION OF ARMED FORCES GENERAL STAFF, WHO WAS FULLY SYMPATHETIC TO OUR POSITION, SAID THAT NEITHER THE GENERAL STAFF NOR THE MINISTRY OF NATIONAL DEFENSE HAD PLAYED A ROLE IN ISSUING THE DIRECTIVE, AND OFFERED TO ASSIST SHOULD THE NEED ARISE.

6. ON JULY 27 EMBASSY CONDUCTED A MOST USEFUL MEETING WITH REPRESENTATIVES FROM EUCOM, USAREUR, USAFE, USNAVEUR, AFPCS RHEIN MAIN AND BRUSSELS, USNMR SHAPE, USNATO, USDEL MC, NSSG(US) AND US ARMY ELEMENT AT SHAPE. AFTER PARTICIPANTS HAD HEARD A REPORT OF EMBASSY ACTIONS AS DESCRIBED ABOVE AND REVIEWED REFTEL (WHICH HAD JUST ARRIVED), THERE WAS A WIDE-RANGING DISCUSSION OF THE LEGAL, POLITICAL/PSYCHOLOGICAL, PRACTICAL AND TECHNICAL RAMIFICATIONS OF THE PROBLEM PRESENTED BY THE CUSTOMS DIRECTIVE. THE CONSENSUS WAS THAT THE EMBASSY SHOULD PURSUE THE MATTER FURTHER WITH APPROPRIATE BELGIAN OFFICIALS IN ORDER TO ELICIT MORE SPECIFIC INFORMATION ON THE ORIGINS OF THE DIRECTIVE AND ON BELGIAN INTENTIONS WITH RESPECT TO IMPLEMENTATION. IN THE COURSE OF DISCUSSIONS, THE EMBASSY WOULD EXPLORE BELGIAN READINESS TO LIMIT IMPLEMENTATION TO "PAPER CONTROL" EXCLUSIVE OF THE ACTUAL COLLECTION OF DUTIES ON INCOMING PARCELS AND CUMBERSOME OR COSTLY LICENSING PROCEDURES FOR IMPORTS AND EXPORTS. THE PRACTICAL AIM OF THESE EXPLORATIONS WOULD BE TO ARRIVE AT AN INFORMAL WRITTEN UNDERSTANDING OF THE MANNER IN WHICH THE DIRECTIVE IS TO BE IMPLEMENTED. THIS WRITTEN UNDERSTANDING WOULD IDEALLY TAKE THE FORM OF AN EXCHANGE OF LETTERS (E.G. BETWEEN THE EMBASSY AND THE DIRECTOR GENERAL FOR CUSTOMS) BUT MIGHT BE LIMITED TO AN UNANSWERED, I.E. UNCONTESTED, LETTER FROM THE EMBASSY. THE EMBASSY WOULD OF COURSE TAILOR ITS PRESENTATION AND DECIDE ON THE

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LEVEL AT WHICH THE BELGIAN GOVERNMENT MUST BE APPROACHED BASED ON RESULTS ACHIEVED IN INITIAL TALKS. IN THE MEANTIME, APO ZAVENTEM WOULD NOT ENTER INTO ANY AGREEMENT WITH LOCAL CUSTOMS OFFICIALS FOR A TRIAL PERIOD OR FOR ANY FORM OF IMPLEMENTATION.

7. THERE WAS NO DISSENT TO THE APPROACH DESCRIBED ABOVE AT THE JULY 27 MEETING, AND THE EMBASSY WILL PROCEED ACCORDINGLY, DRAWING UPON ARGUMENTATION CONTAINED REFTEL.

8. PARA 1 OF REFTEL MENTIONS AN EXCHANGE OF NOTES DATED APRIL 29, 1948 AND A CANCELLTION OF JULY 29, 1969. EMBASSY WOULD APPRECIATE COPIES OF THESE PAPERS. ALSO WITH REGARD TO PARAGRAPH 1, WE NOTE THAT THE SHAPE/BELGIUM AGREEMENT PROVIDES FOR THE ESTABLISHMENT OF APO PROCEDURES BY AGREEMENT

BY APPROPRIATE BELGIAN AND SHAPE AUTHORITIES, NOT US
AUTHORITIES. FINALLY, WITH RESPECT TO PARAGRAPH 2, WE ARE
PUZZLED BY THE REFERENCE TO AN ASSESSMENT OF CUSTOMS
DUTIES ON CONTRABAND OR PROHIBITED ITEMS. BOOCHEVER

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